

**REMARKS/ARGUMENTS**

The Office Action of July 24, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 21 and 22 have been amended to expedite prosecution and without prejudice or disclaimer.

**Response to Official Notice**

The Office Action on page 2 and also on page 10 states that Official Notice is taken that it is old and well-known in the art of data validation to verify the integrity of data by checking the data to make sure the data falls within an expected range to quantitative or qualitative values. The Office Action then states that “For example, a SKU code of zero would be meaningless and erroneous.” Applicant respectfully notes that none of the claims recite the feature of an SKU value being zero. Further, Applicant traverses this statement, in that no support is provided as to why an SKU code can not be zero. An SKU (stock keeping unit) code as used by a merchant is an identifying number for a distinct product or service. The only requirement for an SKU code is that it be unique for each distinct product or service. Therefore there is no reason an SKU code can not be zero.

**Claim Rejection Under 35 U.S.C. §103**

Claims 1-11, 13, 14 and 19-22 stand rejected under 35 U.S.C. §103(a) as being anticipated by Woo *et al.* (U.S. Patent No. 6,910,017, hereinafter “Woo”) in view of Official Notice. Applicant traverses this rejection.

With regard to Claims 1, 21 and 22, the Office Action on page 5 states that Woo discloses:

verifying the integrity of the one or more database files based on validating the archived sales data (col. 8, lines 39-49 - The model is modified as new actual data on sales becomes available. By revising or updating a model equation based on new sales data, it is understood that old data is being replaced because it is no longer the most accurate data available. In other words, the integrity of the data is no longer sufficient enough for the model equation since more accurate data is available. If there is no need to revise or update a model equation, it is understood that the stored model equation data is still valid and therefore has good integrity on some level for purposes of applying the model equation);

Applicant respectfully disagrees. Woo does not disclose or suggest any validation of data. Woo at Col. 8 lines 39-49 states the following:

FIG. 8 shows the trajectory of gross profits as a function of inventory in an example where initial inventory is above \$3 million. Such a graph can be used to understand the expected performance over time of a given price and inventory decisions and for comparison to the expected performances for other price and inventory decisions. In FIG. 8, each mark 90 could represent a week of sales.

The model equation can be used not only as a predictor at the beginning of a season or a product life cycle, but also during the season or lifecycle, by modifying the model as new actual data on sales becomes available, e.g., each week, to improve prediction.

Regarding the Office Action statement that "By revising or updating a model equation based on new sales data, it is understood that old data is being replaced because it is no longer the most accurate data available", Applicant respectfully asserts that this has nothing to do with **verifying the integrity of one or more database files**. Woo at Col. 8 lines 47-49 is describing using newer available sales data to modify the **model**. Woo is not validating or verifying any data in a database file.

The claim recites a **data retrieval verification process**, to detect errors or inconsistencies in the stored data. This is an entirely different process from obtaining new data. Data integrity and the accuracy of what the data represents are two entirely different things. Woo is not validating the data. Applicant asserts that at best, Woo could be said to be "validating" the **model**, by updating the model with new data. However even this interpretation of "validate" is not what is described by the clear language of the claims for "verifying the integrity of the one or more database files based on validating the archived sales data".

Applicant notes that the Office Action admits this on page 11 "Since Woo **validates its model** based on continuously updated information (including lifecycle data) to improve predictions (col. 8, lines 45-49)..."

Accordingly, Applicant asserts that Woo does not teach or suggest each and every feature of Claims 1, 21, and 22, either by itself or in combination with any other cited references or official notices.

With regard to Claim 17 the Office Action on page 11 states:

Since Woo validates its model based on continuously updated information (including lifecycle data) to improve predictions (col. 8, lines 45-49), the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Woo to validate archived sales data by entering net cost prices (claim 16), entering original selling prices (claim 17), or checking for new products (claim 18) in order to more accurately enable Woo's users to perform profit-related analyses in light of various product lifecycles and introduction of new products, thereby improving the accuracy of product sales strategy analysis.

Applicant disagrees. As previously described, Woo does not disclose or suggest validating archived sales data. Woo at col. 8, lines 45-49 discloses updating the model based on new data on sales. Regarding the statement that it would be obvious to one skilled in the art to validate archived data by entering original selling prices, Applicant believes there is no support for this statement. Applicant requests the Examiner to support this obviousness rejection or withdraw the rejection.

Applicant has amended the independent claims to recite "verifying the integrity of the one or more database files based on validating the archived sales data, including entering an original selling price for an item of the achieved sales data that contains a value of zero". This amendment includes subject matter recited in Claims 15 and 17, and also subject matter disclosed in the specification at paragraph 58 and Fig. 5. Although Applicant believes the independent claims are allowable before the amendment, Applicant makes this amendment to facilitate advancement of the present application. Applicant has also canceled Claims 15 and 17.

Accordingly, Applicant asserts that Claims 1, 21 and 22 and all claims that depend upon them are allowable.

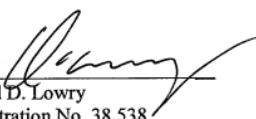
**CONCLUSION**

As noted above, certain claims have been amended and cancelled. These changes have been made without prejudice or disclaimer. While Applicant does not necessarily agree with or acquiesce in the grounds of rejection raised with respect to any claims in the application, in order to expedite prosecution and to facilitate allowance of this application, Applicant makes these claim changes in the present application. Applicant presents these changes solely for the purposes of expediting prosecution and facilitating the immediate allowance of this present application. Applicant reserves all rights to pursue claims of the same or similar scope to the original and/or cancelled claims in this application, *e.g.*, by filing a continuing application.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at the below-listed number.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Date: January 24, 2008

By:   
David D. Lowry  
Registration No. 38,538  
BANNER & WITCOFF, Ltd.  
28 State Street, 28<sup>th</sup> Floor  
Boston, MA 02109-1775  
Telephone: (617) 720-9600  
Facsimile: (202) 720-9601